

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRYAN EAGLES,

Petitioner,

v.

WILLIAM REUBART, *et al.*,

Respondents.

Case No. 3:20-cv-00514-LRH-CSD

ORDER

In this habeas corpus action, after a 90-day initial period and a 98-day extension of time, Respondents were due to file their answer by November 14, 2022. See Order entered May 10, 2022 (ECF No. 42) (denying motion to dismiss and granting Respondents 90 days to file answer); Order entered August 9, 2022 (ECF No. 44) (98-day extension of time).

On November 9, 2022, Respondents filed a motion for extension of time (ECF No. 49), requesting a further 100-day extension of time, to February 22, 2023, to file their answer. Respondents' counsel states that the extension of time is necessary because of her obligations in other cases, staffing shortages at the office of the Nevada Attorney General, personal health issues, and scheduled time away from her office. Respondents' counsel represents that Petitioner Bryan Eagles, who is represented by appointed counsel, does not oppose the motion for extension of time. The Court finds that the motion for extension of time is made in good faith and not solely for the purpose of delay, and that there is good cause for an extension of time.

On August 9, 2022, in the order granting Respondents' last motion for extension of time, the Court stated:

1 However, given [the] length of this extension of time and the amount of
2 time that Respondents will have had to file their answer (about six months
after resolution of the motion to dismiss), the Court will not look favorably
upon any motion to further extend this deadline.

3 Order entered August 9, 2022 (ECF No. 44), p. 1. Respondents do not mention this in
4 their current motion for extension of time, in which they request another 100 days.

5 While the Court is cognizant of the factors described by Respondents' counsel as
6 necessitating their latest motion for extension of time, the Court has examined the
7 record—and, in particular, Eagles' first amended habeas petition and the Court's order
8 on the motion to dismiss that first amended petition—and determines that the time it is
9 taking for Respondents to file their answer is excessive and cannot be countenanced.

10 The Court will grant Respondents an extension of time of 74 days, instead of 100 days,
11 and *the Court will not be inclined to further extend this deadline.*

12 **IT IS THEREFORE ORDERED** that Respondents' Motion for Extension
13 of Time (ECF No. 49) is **GRANTED IN PART AND DENIED IN PART**. Respondents will
14 have until and including **January 27, 2023**, to file their answer.

15 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
16 proceedings set forth in the order entered October 19, 2020 (ECF No. 8) will remain in
17 effect.

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19 DATED THIS 14th day of November, 2022.

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22 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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